

Message

From: Kevin.Elder@Agri.ohio.gov [Kevin.Elder@Agri.ohio.gov]
Sent: 11/15/2017 7:19:43 PM
To: Socha, Julianne [socha.julianne@epa.gov]; Kevin.Elder@Agri.ohio.gov
CC: Bauer, Candice [bauer.candice@epa.gov]; Pierard, Kevin [pierard.kevin@epa.gov]; Timothy.Schirmer@agri.ohio.gov; kelly.mccloud@ohioattorneygeneral.gov; Andrew.Ety@agri.ohio.gov; Chow, Kevin [chow.kevin@epa.gov]; Bathersfield, Nizanna [Bathersfield.Nizanna@epa.gov]; Utting, George [Utting.George@epa.gov]; Quigley, Heather [Quigley.Heather@epa.gov]
Subject: Re: Time to Apply question

Yes, we are planning on it..

Sent from my Verizon 4G LTE Smartphone

----- Reply message -----

From: "Socha, Julianne" <socha.julianne@epa.gov>
 To: "Elder, Kevin" <Kevin.Elder@Agri.ohio.gov>
 Cc: "Bauer, Candice" <bauer.candice@epa.gov>, "Pierard, Kevin" <pierard.kevin@epa.gov>, "Schirmer, Timothy" <Timothy.Schirmer@agri.ohio.gov>, "Kelly McCloud" <kelly.mccloud@ohioattorneygeneral.gov>, "Ety, Andrew" <Andrew.Ety@agri.ohio.gov>, "Chow, Kevin" <chow.kevin@epa.gov>, "Bathersfield, Nizanna" <Bathersfield.Nizanna@epa.gov>, "Utting, George" <Utting.George@epa.gov>, "Quigley, Heather" <Quigley.Heather@epa.gov>
 Subject: Time to Apply question
 Date: Wed, Nov 15, 2017 1:54 PM

Hi Kevin,
 Just confirming our call scheduled for tomorrow, November 16, 10:30am-noon (eastern time).
 Call in number: Conference Line/Code / Ex. 6
 Code: Conference Line/Code / Ex. 6

In addition to R5, two folks from HQ that are involved in the review of the Request to Transfer may also participate on the call, George Utting and Nizanna Bathersfield.

Below is a list of questions and topics we plan to discuss on the call.

Julianne

Julianne Socha
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Questions and Discussion Topics for November 16th call

1. Submission of current version of 903 and 901:10

Permit Applications:

2. Does ODA have a rule that requires permit applicants to use the ODA permit forms that were submitted in the Request and that can be found on ODA website?
3. Does ODA have a rule that requires any electronic signatures on permit applications shall meet the same signature requirements found in 901:10-3-10(M)?

Permits:

4. 903.10(E)(11) and (F): What does permit “suspension” mean?
5. Does ODA have a concept similar to EPA’s “revocation and reissuance” of a permit?
6. Does ODA have any procedures for permit termination similar to 40 CFR 122.64(c)?
7. 901:10-4-04: Please clarify what a NPDES general permit to operate is?
8. How does ODA implement 40 CFR 122.28(b)(2)(iii), i.e., specifying deadlines for submitting notice of intent to be covered under a general permit and the dates when dischargers are authorized to discharge?

Storm Water Pollution Prevention Plans:

9. 901:10-3-11(D)(11): Please clarify if (D)(11) requires that a storm water pollution prevention plan be submitted. (D)(11)(a) provides that permittee shall submit a notice to ODA after final site stabilization has been achieved, then (D)(11)(b), (c), and (d) identify requirements specific to a storm water pollution prevention plan.
10. 901:10-3-11(E): Please clarify if the storm water pollution prevention plan required by (E)(1) shall contain the information required by 901:10-3-11(D)(11)(b)(i) and (ii), and if storm water permits will include conditions similar to the requirements in 901:10-3-11(D)(11)(c) and (d).

Winter Application:

11. 901:10-2-14(G): “The owner or operator shall comply with rule 901:10-2-08 of the Administrative Code and this rule and use best efforts to avoid surface application of manure to frozen or snow covered ground by ensuring enough manure storage capacity by November of each year for a minimum of one hundred twenty to one hundred eighty days.” Please explain why only require compliance with 901:10-2-08? Will the requirement in this section for a minimum of 120 or 180 days impact implementation and/or enforcement of the requirements for storage periods at 901:10-2-05(3)(a), (b) and (c), and 901:10-2-06(A)(7)?
12. 901:10-2-14(G)(1): Does a request for application on frozen or snow-covered ground need to be in writing? Is ODA approval/disapproval of such a request in writing? Is there a requirement for permittee to keep a record of all winter application requests and approval/disapproval notifications?
13. 901:10-2-14(G)(2)(f) and (g): Explain basis for ammonia-nitrogen equal to or greater than 26 mg/L.
14. 901:10-2-14(G)(2)(g): Is the runoff event caused by precipitation?
15. 901:10-2-14(G)(2)(h): Please clarify if this section’s allowance for noncompliance for two surface land application events will preclude ODA from taking an enforcement action for any noncompliance associated with the two surface land application events.

Other topics:

16. 901:10-2-06(A)(7): Does ODA have requirement for number of days of storage for a storage structure that is not a manure storage pond or manure treatment lagoon, for example, a storage structure that only stores process wastewater? Is the surface water runoff excluded from this section process wastewater?
17. 901:10-2-10(D): Please clarify what is meant by “any manure with wastes that are process waste water”.
18. 901:10-2-10(F): Please clarify if composite sampling in 901:10-2-10(F) is referring to composites between different storage structures. A3769 already provides that samples from a specific storage structure are a composite of subsamples.
19. Does ODA have an anti-backsliding rule?

20. Does ODA issue formal information request letters to facilities, where failure to respond is enforceable?
21. Does ODA have any provision for public notices of adjudication hearings for proposed actions?
22. Will ODA have any role in the development, revision, or implementation of watershed management plans or 208 plans?

From: Socha, Julianne
Sent: Wednesday, November 08, 2017 5:00 PM
To: 'Kevin.Elder@Agri.ohio.gov' <Kevin.Elder@Agri.ohio.gov>
Cc: Bauer, Candice <bauer.candice@epa.gov>; Pierard, Kevin <pierard.kevin@epa.gov>; Timothy.Schirmer@agri.ohio.gov; Kelly McCloud <kelly.mccloud@ohioattorneygeneral.gov>; Andrew.Ety@agri.ohio.gov
Subject: RE: Time to Apply question

Hi Kevin - I have a conference line reserved on Thursday, November 16, 10:30am – noon (eastern time).

Call in number:
 Code:

I will send you topics/questions for the call next week.

julianne

Julianne Socha
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From: Kevin.Elder@Agri.ohio.gov [<mailto:Kevin.Elder@Agri.ohio.gov>]
Sent: Wednesday, November 01, 2017 12:21 PM
To: Socha, Julianne <socha.julianne@epa.gov>
Cc: Bauer, Candice <bauer.candice@epa.gov>; Pierard, Kevin <pierard.kevin@epa.gov>; Timothy.Schirmer@agri.ohio.gov; Kelly McCloud <kelly.mccloud@ohioattorneygeneral.gov>; Andrew.Ety@agri.ohio.gov
Subject: RE: Time to Apply question

Good afternoon Julianne,

We have all agreed that November 16th would work the best for our next call. We would like to have it between 10 AM and noon if possible.

Thanks!

Kevin H. Elder, Chief
 ODA-Division of Livestock Environmental Permitting
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 Reynoldsburg, Ohio 43068

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 Web: <http://www.agri.ohio.gov/divs/DLEP/dlep.aspx>

From: Socha, Julianne [<mailto:socha.julianne@epa.gov>]
Sent: Tuesday, October 31, 2017 4:18 PM
To: Elder, Kevin
Cc: Bauer, Candice; Pierard, Kevin
Subject: RE: Time to Apply question

Hi Kevin,
 Confirming that the call tomorrow, November 1, at 1:30 is postponed until the week of November 13.
 I will sent out a list of questions and a conference number once we confirm a date and time.

julianne

Julianne Socha
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From: Socha, Julianne
Sent: Monday, October 30, 2017 12:13 PM
To: 'Kevin.Elder@Agri.ohio.gov' <Kevin.Elder@Agri.ohio.gov>
Cc: Bauer, Candice <bauer.candice@epa.gov>; Pierard, Kevin <pierard.kevin@epa.gov>
Subject: RE: Time to Apply question

At this time I do not have any questions for the Nov 1 call. I think it would be more productive to wait until the week of Nov 13 for another call. Would you be available on either November 15, anytime 10am-3pm (eastern time), or November 16, anytime 10am-2pm(eastern time)?

I do have one question you may be able to help me with, page 4 of the MOA between ODA and USEPA, first paragraph in section II.C., last sentence of this paragraph, states "ODA is responsible for the enforcement program for unauthorized discharges of process wastewater, . . . by taking timely and appropriate actions in accordance with the CWA, . . . , and the NDPEs enforcement management system (EMS) developed by ODA for ODA's use." Would you be able to send me a electronic copy of the EMS that ODA developed? I did not see a copy included in the 2015 submittal and I looked on ODA's website but was not able to find such a document on the website. Thanks.

julianne

Julianne Socha
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From: Kevin.Elder@Agri.ohio.gov [<mailto:Kevin.Elder@Agri.ohio.gov>]
Sent: Monday, October 30, 2017 11:28 AM
To: Socha, Julianne <socha.julianne@epa.gov>
Subject: RE: Time to Apply question

Good afternoon Julianne,

I was wondering, I had a November 1st , 1:30 till 2:30 Conference call on my calendar. Are we still going to have that? If so, do you have any questions or agenda items?

Thanks!

Kevin H. Elder, Chief

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From: Socha, Julianne [<mailto:socha.julianne@epa.gov>]
Sent: Wednesday, October 25, 2017 12:52 PM
To: Elder, Kevin
Cc: Bauer, Candice; Pierard, Kevin; Chow, Kevin
Subject: Time to Apply question

Hi Kevin –

During our call this past Monday, you asked what the federal requirements are regarding time to apply for storm water permits. The time to apply requirements can be found at 40 CFR 121.21(c). For a CAFO proposing a new discharge of storm water associated with industrial activity, a permit application shall be submitted 180 days prior to commencement of the industrial activity which may result in the discharge of storm water. For storm water discharges associated with construction activities [specifically those described under 40 CFR 122.26(b)(14)(x) or (b)(15)(i), which will likely be the types of construction activities at AFOs] a permit application shall be submitted at least 90 days before the date on which construction is to commence.

Let me know if you have any questions.

Julianne

Julianne Socha
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